

CVB JUDGE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

THIS MATTER, coming on for hearing this 26th day of June, 2023, upon the defendant's Petition for Deferred Prosecution; the defendant appearing in person and by his attorney, Rebecca Fish, Assistant Federal Public Defender; the United States of America being represented by Barbara J. Sievers, Assistant United States Attorney; the Court, having examined and incorporated into the record Petitioner's Petition and Statement in support of deferred prosecution, the evaluation and treatment report prepared by STOP, and the files and records herein, being fully advised in the premises, does now make and enter the following:

I. FINDINGS OF FACT

24 A. On or about the 16th day of August 2022, Petitioner was charged with the
25 offense/offenses charged in the Information. This offense occurred as a direct result of
26 alcoholism/chemical dependency problems;

1 B. Petitioner suffers from an alcohol/drug problem and is in need of
2 treatment;

3 C. The probability of similar misconduct in the future is great if the problem
4 is not treated;

5 D. Petitioner is amenable to treatment;

6 E. An effective rehabilitative treatment plan is available to Petitioner
7 through STOP, an approved treatment facility as designated by the laws of the State of
8 Washington, and Petitioner agrees to be liable for all costs of this treatment program;

9 F. That Petitioner agrees to comply with the terms and conditions of the
10 program offered by the treatment facility as set forth in the diagnostic evaluation from
11 STOP, attached to Statement of Petitioner filed herewith, and that Petitioner agrees to
12 be liable for all costs of this treatment program;

13 G. That Petitioner has knowingly and voluntarily stipulated to the
14 admissibility and sufficiency of the facts as contained in the written police report
15 attached to Statement of Petitioner filed herewith.

16 H. That Petitioner has acknowledged the admissibility of the stipulated facts
17 in any criminal hearing or trial on the underlying offense or offenses held subsequent to
18 revocation of this Order Granting Deferred Prosecution and that these reports will be
19 used to support a finding of guilt;

20 From the foregoing FINDINGS OF FACT, the Court draws the following:

21 **II. CONCLUSIONS OF LAW**

22 A. That the above-entitled Court has jurisdiction over the subject matter and
23 Petitioner DANIEL M. VEHAR, in this case;

24 B. That Petitioner's Petition for Deferred Prosecution meets the requirements
25 of RCW 10.05 et seq.;

1 C. That the diagnostic evaluation and commitment to treatment meets the
2 requirements of RCW 10.05.150;

3 D. That Petitioner is eligible for deferred prosecution.

4 **III. ORDER**

5 Having made and entered the foregoing FINDINGS OF FACT and
6 CONCLUSIONS OF LAW, it is hereby

7 ORDERED that the defendant is accepted for deferred prosecution. The
8 prosecution of the above-entitled matter is hereby deferred for five (5) years pursuant to
9 RCW 10.05 et seq., upon the following terms and conditions:

10 A. Petitioner shall be on probation for the deferral period and follow the
11 rules and regulations of probation;

12 B. Petitioner shall enroll in and successfully complete the two-year treatment
13 program recommended by STOP according to the terms and conditions of that plan as
14 outlined in the diagnostic evaluation, a true copy of which is attached to the Petition
15 and incorporated herein by reference. Petitioner shall not change treatment agencies
16 without prior Probation approval;

17 C. The treatment facility, STOP, shall file with the United States Probation
18 Office status reports of Petitioner's compliance with treatment, monthly during the first
19 year of the deferred prosecution period and every three (3) months during the second
20 year. The Court may increase the frequency of these reports at its discretion;

21 D. Petitioner shall notify U.S. Probation within 72 hours of any residence
22 change.

23 E. Petitioner shall abstain during the deferred prosecution period from any
24 and all consumption of alcoholic beverages and/or non-prescribed mind-altering drugs;

1 F. Petitioner shall not operate a motor vehicle on the public highways
2 without a valid operator's license and proof of liability insurance sufficient to comply
3 with the state laws on financial responsibility;

4 G. Petitioner shall be law abiding and shall not commit any alcohol/drug
5 related offenses or other criminal offenses during the period of deferral,

6 H. Petitioner shall notify U.S. Probation within 72 hours of being arrested,
7 questioned, or cited by Law Enforcement;

8 I. In the event that Petitioner fails or neglects to carry out and fulfill any
9 term or condition of his treatment plan or violates any provision of this Order or any
10 rule or regulation of his probation officer, upon receiving notice, the Court shall hold a
11 hearing to determine why Petitioner should not be removed from deferred prosecution
12 and prosecuted for the offense/offenses charged;

13 J. In the event the Court finds cause to revoke this deferred prosecution, the
14 stipulated police reports shall be admitted into evidence, and Petitioner shall have his
15 guilt or innocence determined by the Court;

16 K. That the statement of Petitioner for Deferred Prosecution shall remain
17 sealed, and all subsequent reports or documents relating to her treatment information
18 shall be sealed, to maintain confidentiality of Petitioner's treatment information;

19 L. That the Department of Licensing be notified of this Order accepting the
20 Petitioner for deferred prosecution;

21 M. Upon proof of Petitioner's successful completion of five years deferral
22 period in this Order, the Court shall dismiss the charges pending against Petitioner.

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1 N. Additional conditions:

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4 DONE IN OPEN COURT this 26th day of June, 2023.

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UNITED STATES MAGISTRATE JUDGE

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15 Presented by:

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REBECCA C. FISH

17 Attorney for Petitioner

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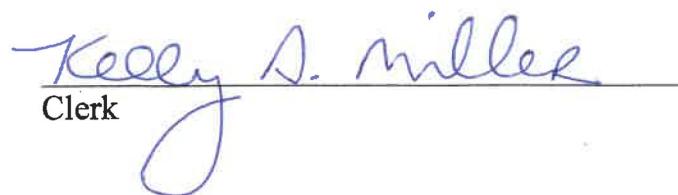
19 I have received a copy of the foregoing Order of Deferred Prosecution. I have
20 read and understand its contents, and agree to abide by the terms and conditions set
21 forth herein.

22 Dated: 6/26/23

23 
DANIEL M. VEHAR
Petitioner

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25 I certify that a copy of this signed Order was mailed to the subject treatment
26 facility, on June 29th, 2023. The United States Probation Office was also
furnished a copy of this Order.

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Kelly S. Miller
Clerk

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